

<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> <b>DOC #:</b> _____ <b>DATE FILED:</b> <u>9/12/2017</u>
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THEMIS CAPITAL and DES MOINES INVESTMENTS:  
LTD., :

Plaintiffs, :

-v- :

DEMOCRATIC REPUBLIC OF CONGO and :  
CENTRAL BANK OF THE DEMOCRATIC REPUBLIC :  
OF CONGO, :

Defendants. :

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09 Civ. 1652 (PAE)

ORDER


PAUL A. ENGELMAYER, District Judge:

The Court has reviewed the parties' letters (Dkts. 278 & 279) regarding plaintiffs' attempts, thus far unsuccessful, to obtain post-judgment discovery from the Democratic Republic of the Congo ("DRC") and its Central Bank (together, "defendants"). Although some of plaintiffs' discovery requests are broad and could likely be productively pruned, plaintiffs' requests are, in the main, proper and justified. Defendants, notably, do not contend that plaintiffs' discovery requests are categorically improper, only that they are overbroad. The Court is dismayed by defendants' apparent failure to date to meaningfully comply with any of plaintiffs' discovery requests whose validity defendants do not dispute. Defendants' non-compliance is particularly troubling given defendants' record of delinquent compliance with legitimate discovery requests during the liability phase of this case and given that records relating to the principal subject of plaintiffs' present requests—defendants' assets—ought to be readily accessed.

Rather than resolve particular discovery disputes at this juncture or address potential discovery sanctions, the Court instead directs that defendants attend forthwith to their acknowledged discovery obligations and make substantial discovery to plaintiffs by **Friday, September 29, 2017**. To enable the Court to assess the suitability of defendants' discovery compliance, the Court directs that defendants, **also on September 29, 2017**, provide a copy of all such discovery to the Court. The Court further directs defendants, the same day, to submit a letter to the Court and opposing counsel that itemizes the discovery produced; sets out a prompt timetable on which defendants intend to complete their production of the discovery responsive to those requests that defendants do not challenge; and identifies with specificity those discovery requests to which defendants object and states and explains the basis for that objection. Any response by plaintiffs to defendants' letter is due **Wednesday, October 4, 2017**. The Court will then hold a conference on **Friday, October 6, 2017, at 2 p.m.** to resolve outstanding discovery disputes and to set firm deadlines for any outstanding discovery. The conference will be held in courtroom 1305 in the Thurgood Marshall United States Courthouse, at 40 Centre Street, New York, N.Y. 10007.

The Court of course expects defendants to fully pay the judgment in this case, as upheld on appeal. In the event it receives notice by then of full payment of the judgment, the Court will adjourn the October 6, 2017 conference.

SO ORDERED.

  
Paul A. Engelmayer  
United States District Judge

Dated: September 12, 2017  
New York, New York